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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/557,172	04/21/2000	Yasuhiko Terashita	SONY-T0474	6517
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OBLON, SPIVAK, MCCLELLAND, MAIER & NEUSTADT, P.C. 1940 DUKE STREET ALEXANDRIA, VA 22314				
			EXAMINER FLETCHER, JAMES A	
			ART UNIT 2616	PAPER NUMBER 12

DATE MAILED: 08/06/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/557,172

Applicant(s)

TERASHITA ET AL.

Examiner

James A. Fletcher

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 May 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-25 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- ☒ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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DETAILED ACTION

1. Please include the new Art Unit 2616 in the caption or heading of any written or facsimile communication submitted after this Office Action, because the examiner who was assigned to Art Unit 2615, has been assigned to new Art Unit 2616. Your cooperation in this matter will assist in the timely processing of the submission and is appreciated by the Office.

Response to Arguments

2. Applicant's arguments filed 21 May 2004 with respect to claims 13-15 have been fully considered but they are not persuasive.

In re page 13, applicant's representative states "Lewis fails to teach or suggest that any data is recorded which identified the moving picture, as recited in Claim 13."

The examiner respectfully disagrees. Lewis clearly discloses the storage of identifying data, even if it's simply the button combination required to call up the desired moving picture sequence (Col 6, lines 15-17 "Since keyboard 20 is capable of selecting any one of sixteen programs, memory 35 has sixteen registers...")

The examiner also notes that the applicant's specification recites much more restrictive terminology than simply "data which identifying the moving picture," listing information that would be particular to each individual moving picture.

3. Applicant's arguments filed 21 May 2004 with respect to claims 16-25 have been fully considered but they are not persuasive.

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In re page 12, applicant's representative states "For substantially the same reasons as given with respect to amended Claim 1, it is also submitted that Claims 16-18 patently define over Abe."

The examiner respectfully disagrees. Claims 16-18 do not call out separate means for recording the various pictures and information, as argued on page 11. Further, Abe clearly makes a duplicate of a motion picture frame as a still picture, as analyzed and discussed in the previous office action.

In re page 14, applicant's representative states "Abe fails to disclose or suggest the recording, reproduction, or retrieval of a still picture corresponding to a recorded moving picture.

Again, the examiner respectfully disagrees for the reasons stated above.

Further in re page 14, applicant's representative states "Lewis fails to remedy the deficiency of Abe."

The examiner respectfully disagrees. In Lewis's table of contents data, he is dividing the available storage area in a method analogous to a file allocation table, with specific locations for the beginning and ending locations of each selectable video segment.

4. Applicant's arguments with respect to claims 1-12 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

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A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 1 and 3-12 are rejected under 35 U.S.C. 102(b) as being anticipated by Wactlar (5,838,667).

Regarding claims 1 and 5-8, Wactlar discloses an information processing apparatus, method, and program comprising:

- first recording and reproducing means, method, and program for recording one moving picture in at least one recording increment (Col 7, lines 1-3 “Once the digital library is created...it may be stored in any conventional storage media”);
- second recording and reproducing means, method, and program for recording a still picture corresponding to a predetermined one of the recording increments of the moving picture (Col 11, lines 66-67 “Each paragraph may be reasonably abstracted by a ‘representative frame’”); and
- third recording and reproducing means, method, and program for recording information about the moving picture being recorded by the first recording means (Col 7, lines 22-25 “The digital video library system 10 must annotate digital video automatically by speech and language understanding, as well as by using other textual data that has been associated with the video”).

Regarding claim 3, Wactlar discloses an information processing apparatus wherein the first recording means uses a file as the recording

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increment (Col 16, lines 3-4 "There is a digital video/audio archive 82 with a hierarchically cached file system").

Regarding claim 4, Wactlar discloses an information processing apparatus wherein the first recording means records the one moving picture to at least one storage medium (Col 7, lines 1-3 "Once the digital library is created...it may be stored in any conventional storage media").

Regarding claims 9-12, Wactlar discloses an information managing method and program comprising:

- recording and reproducing firstly a still picture corresponding to a moving picture in at least one recording increment (Fig 2, item 35 "Icon Creation and Col 13, lines 56-58 "visual icons are preferably a representative of a video paragraph or multiple contiguous video paragraphs relating to the same subject matter"); and
- recording and reproducing secondly information about the still picture being recorded in the first recording step (Col 17, lines 49-51 "Appearing on the screen are several icons...followed by text forming an extended title/abstracts of the information contained in the video." The examiner interprets this reproduction of title/abstract information associated with the icon as having been recorded prior to reproduction.)
- wherein the still pictures are used as icons in a system configured to navigate the moving picture (Fig 2, item 35 "Icon creation" and Col 13, lines 53-55 "Icons are a combination of text and video, either still or

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motion, which are created for subsequent presentation to the user performing a search”).

7. Claims 16-18 and 23-25 are rejected under 35 U.S.C. 102(b) as being anticipated by Abe et al (6,356,709).

Regarding claims 16-18, Abe et al disclose an information processing apparatus, method, and program for recording file designation information designating a moving picture recorded on an external storage medium (Col 8, lines 29-31 “The storage device 27 includes a recording medium mounting unit for loading the exchangeable recording mediums” and Col 11, lines 40-41 “a recording/reproducing unit 116 connected to the buffer memory unit”), and still picture information corresponding to the moving picture (Col 5, lines 57-62 “If, during the time the moving picture recording button 14 is pressed down such that the recording is going on under the moving picture recording mode, the still picture recording button 15 is pressed down, the CPU 16 switches the picture compression parameters from those for the moving picture to those for the still picture for one frame period.”).

Regarding claims 23-25, Abe et al disclose an information managing apparatus, method, and program wherein the external storage medium is a video tape (Col 8, lines 30-31, “the exchangeable recording mediums, such as a tape”).

8. Claims 13-15 are rejected under 35 U.S.C. 102(b) as being anticipated by Lewis et al (4,224,644).

Regarding claims 13-15, Lewis et al disclose an information managing apparatus, method, and program comprising:

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- first recording means for recording a moving picture (Col 4, line 23 “audio/video player/recorder”);
- second recording means for recording data identifying the moving picture, data specifying where to start reproduction of the moving picture, and data specifying where to end reproduction of the moving picture (Abstract “the stored start and stop numbers for each selection are subsequently recorded on the tape”); and
- third recording means for recording data identifying the moving picture recorded by the second recording means, data specifying where to start reproduction of the moving picture, and data specifying where to end reproduction of the moving picture (Col 6, lines 5-13 “a conventional digital memory device having a series of storage registers for storing numerical equivalents of tape position, hereinafter referred to as tape position numbers. Specifically, memory 35 has sufficient storage capacity for storing the tape position numbers indicative of the start point for each selection recorded on a tape, the tape position numbers indicative of the stop point for each selection recorded on a tape”).

Claim Rejections - 35 USC § 103

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which

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said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

10. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Wactlar.

Regarding claim 2, Wactlar suggests an information processing apparatus wherein the second recording means records a still picture corresponding to a scene switchover of the moving picture (Col 3, lines 35-38 “a one-half hour video may easily have one hundred semantically separate chunks. The chunks may be linguistic or visual in nature. They may range from sentences to paragraphs and from images to scenes” and Col 4, lines 58-59 “means for segmenting the digitized video data into paragraphs according to the stored set of rules”).

The examiner takes official notice that a scene change is a notoriously well known and widely used definition of a “semantically separate chunk” of a moving picture presentation.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify Wactlar to include a scene change as a rule for creating a paragraph of video data.

11. Claims 19-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Abe et al, and further in view of Lewis et al.

Regarding claims 19, 21, and 22, Abe et al disclose an information processing apparatus, method, and program comprising reproducing means for retrieving file designation information and still picture information (Col 2, lines 28-30 “an apparatus and a method and a recording medium for moving/still pictures

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for enabling only the still picture data to be selected and reproduced”), the file designation information designating a moving picture (Col 4, lines 46-47 “The picture compression device 5 includes an encoding circuit for MPEG2, for example.” MPEG 2 data inherently comprises header data, time stamps, and other information about the moving pictures) recorded on an external storage medium (Col 8, lines 29-31 “The storage device 27 includes a recording medium mounting unit for loading the exchangeable recording mediums” and Col 11, lines 40-41 “a recording/reproducing unit 116 connected to the buffer memory unit”), the still picture information corresponding to the moving picture (Col 5, lines 57-62 “If, during the time the moving picture recording button 14 is pressed down such that the recording is going on under the moving picture recording mode, the still picture recording button 15 is pressed down, the CPU 16 switches the picture compression parameters from those for the moving picture to those for the still picture for one frame period.”).

Abe et al do not disclose reading the file designation data from an internal storage medium.

Lewis et al teach storing file designation data on an internal storage medium, and reading that data from that internal storage medium (Col 6, lines 9-13 “memory 35 has sufficient storage capacity for storing the tape position numbers indicative of the start point for each selection recorded on a tape, the tape position numbers indicative of the stop point for each selection recorded on a tape” and Col 6, lines 27-29 “scan and match circuit 40...compares the output of counter 30 with the number stored in a selected register in memory 35”).

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As taught by Lewis et al, reading data from an internal storage device relating to a program stored on an external storage device allows a fast reading of the data, without the need to access an external storage device, resulting in a faster operation and fewer commands to the external device.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify Abe et al to read the motion picture related data from an internal memory storage device.

Regarding claim 20, Abe et al disclose an information processing apparatus comprising moving picture reproducing means for retrieving a moving picture from the external storage medium in accordance with an output from the reproducing means (Col 13, lines 57-61 "The picture compression/expansion processor...has its operating mode changed over by the controller 117 to an input mode or to an output mode").

Conclusion

12. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory

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action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to James A. Fletcher whose telephone number is (703) 305-3464. The examiner can normally be reached on 7:45AM - 5:45PM M-Th, first Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Faile can be reached at (703) 305-4380.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, DC 20231


or faxed to:

(703) 872-9314 (for Technology Center 2600 only).

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA Sixth Floor (Receptionist).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center 2600 Customer Service Office whose telephone number is (703) 306-0377.

JAF
August 5, 2004


VINCENT BOCCIO
PRIMARY EXAMINER